

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) Nos. 10081-10124 AND 18646-19917  
OF 2015  
WITH  
PRAYER FOR INTERIM RELIEF

The State of Karnataka

...Petitioner

-Versus-

M/s Mahaveer Willow etc.etc.

....Respondents

**OFFICE REPORT**

The Office Report was listed before the Ld. Registrar's Court on 28<sup>th</sup> January, 2016, when the following order was passed:-

**“SLP(C) NO.10081-10124/2015**

Last opportunity of four weeks is granted to the ld. Counsel for the respondent for filing counter affidavit.

**SLP(C) NO.18646-19117/2015**

Respondent no.40 has filed counter affidavit.

Last opportunity of four weeks is granted to the ld. Counsel for respondent nos. 3,17,23,34 to 36 and 39 for filing counter affidavit.

Respondent nos. 27,30 and 32 to file counter affidavit within four weeks time.

Ld. Counsel, Mr Rajesh appearing on behalf of Mr E.C.Agrawala, Advocate-on-record appears for respondent no.10 and seeks time for filing vakalatnama and counter affidavit. Be filed within four weeks time.

None appears for respondent nos. 1,12,37,41 and 42 despite due service.

None appears for the other respondent Nos. 2, 9, 13, 14, 16, 18, 22, 25, 26, 28, 46, 47 despite due service.

Ld. Counsel for the petitioner to take fresh steps to effect service on respondent Nos. 4 to 8, 11, 15, 19 to 21, 24 to 29, 43 and 45 within two weeks time as last opportunity. Notices thereafter be issued.

Last opportunity of two weeks is granted for filing application for amendment of the cause title.

Ld. Counsel for respondent no.1 in SLP(C) NO.18988-90/2015 is granted four weeks time for filing counter affidavit.

List again on 12.4.2016.”

**SLP (C) NOS. 10081-10124 OF 2015**

It is submitted that Counsel for the sole respondent has not filed Counter Affidavit so far.

**SLP (C) NOS. 18646-19917 OF 2015:**

It is submitted that counsel for respondent Nos. 3, 17, 23, 27, 30, 32, 34 to 36, 39 and 44 has not filed counter affidavit so far.

It is further submitted that M/s E.C. Agrawala, T.V. Ratnam and Raghavendra S. Srivatsa, Advocates has on 28<sup>th</sup> January, 2016, 28<sup>th</sup> March, 2016 and 9<sup>th</sup> April, 2016 filed Vakalatnama/Appearance on behalf of respondent Nos. 10, 45, 1 and 8 respectively but has not filed counter affidavit so far.

It is again submitted that counsel for respondent No. 44 has on 25<sup>th</sup> February, 2016 filed Vakalatnama/Appearance for the second time which shows that the rubber stamp affixed in the Vakalatnama appears as filed in the SLP and the counsel for the respondent No. 44 has not clarified regarding the amendment of cause title in respect of said respondent No. 44 so far.

It is again submitted that fresh show cause notice was issued on 1<sup>st</sup> February, 2016 to the unserved respondent Nos. 4, 5, 6, 7, 11, 15, 19, 20, 21, 24, 27, 28, 29, 43 and 45 by Regd. A.D. Post. The counsel for the petitioner has on 18<sup>th</sup> February, 2016, 1<sup>st</sup> March, 2016 and 2<sup>nd</sup> March, 2016 filed affidavit of service alongwith proof of service in respect of respondent Nos. 6, 7, 19, 20, 29, 27 and 28 but no one has filed Vakalatnama/Appearance on behalf of the said respondent Nos. 6, 7, 19, 20, 29, 27 and 28 so far. Unserved cover containing the notice have been received back from respondent Nos. 5, 11, 15, 24 and 43 with the remarks (Respondent No. 5 – addressee left, Respondent No. 11 – redirected to another address and not found, Respondent No. 15 – addressee left, Respondent No. 24 – addressee left and Respondent No. 43 – insufficient address). Neither A.D. Cards nor unserved covers containing the notice have been received back from respondent Nos. 4, 7, 15, 21 and 45 so far.

It is again submitted that service of notice is incomplete in respect of respondent Nos. 4, 5, 11, 15, 21, 24, 43 and 45.

It is lastly submitted that the S.L.P.(C) No. 18646-19117 of 2015 was mentioned before the Hon'ble Court on 1<sup>st</sup> April, 2016, when the Court was pleased to pass the following order:-

**“The file of the instant petitions, viz., SLP (C)Nos. 18646-19117 of 2015 be sent to the Court along with Civil Appeal No. 4149 of 2007 listed on 04<sup>th</sup> April, 2016.”**

Accordingly, S.L.P.(C) No. 18646-19117 of 2015 was placed alongwith Civil Appeal No. 4149 of 2007 before the Hon'ble Court on 4<sup>th</sup> April, 2016, when the Court was pleased to pass the following order:-

**“During the course of arguments, learned senior counsel appearing for the appellant has drawn our attention to a Civil Appeal No. 4149/2007 recent judgment of the High Court of Karnataka in the case of 'State of Karnataka v. Reddy Structures Private Limited' and submits that in the said judgment, the High Court has taken a view which is contrary to the view taken by the High Court in the instant appeals. It is also pointed out that the State of Karnataka has filed special leave petitions against the said judgment being SLP (C)Nos. 18646-19117 of 2015.**

**It would be in the fitness of things if those petitions are also heard along with these appeals. It is acceptable to the counsel for all the parties. We, thus, defer further hearing in these appeals to 18<sup>th</sup> April, 2016 when SLP (C)Nos. 18646-19117 of 2015 shall also be listed along with these appeals.”**

The Office Report is listed before the Ld. Registrar's Court.

Dated this the 11<sup>th</sup> April, 2016.

ASSISTANT REGISTRAR

Copy to:

1. Mr. V.N. Raghupathy, Advocate,  
15, Lawyers Chambers, M.C. Setalvad Block
2. Mr. Raghavendra S. Srivatsa, Advocate,  
105 Lawyers Chambers.
3. Mr. Vikas Mehta, Advocate,  
59, Lawyers Chambers.
4. Mr. Mohit Chaudhary, Advocate,  
E-45, Lajpat Nagar – I,  
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5. Mr. Anup Kumar, Advocate,  
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6. M/s K.J. John &Co., Advocates,  
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7. Ms. Divya Roy, Advocate,  
Q-16B, Janpura Extension,  
New Delhi.
8. Mr. M.P.Devanath, Advocate,  
5, Jangpura Extn., Link Road,  
New Delhi.
9. Mr. E.C. Agrawala, Advocate  
48, Lawyers Chambers.
10. Mr. T.V. Ratnam, Advocate  
129, M.C. Setalvad Lawyers Chambers.
11. Mr. V. Shyamohan, Advocate  
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ASSISTANT REGISTRAR

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